

## REMARKS

Claims 6, 9-25, 27-31, and 33-43 are currently pending in this application; Claims 25 and 27-31 have been withdrawn from consideration.

Please cancel Claims 25 and 27-31 without prejudice.

It is gratefully acknowledged that the Examiner has allowed Claims 6, 9-24, and 33-35.

In the Office Action, Claims 36, 38, 40, and 42 are rejected under 35 U.S.C. §102(e) as anticipated by *Kuwahara et al.* (U.S. 6,597,678 B1), and Claims 37, 39, 41, and 43 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Kuwahara* in view of *Ogawa et al.* (WO 200079702), i.e., the PCT application for U.S. 6,590,532.

With regard to the rejection of Claims 37, 39, 41, and 43 under 35 U.S.C. §103(a) as being unpatentable over *Kuwahara* in view of *Ogawa*, it is respectfully submitted that *Ogawa* is not prior art in the present application. The present application claims priority to Korean Application No. 11617-2000, which was filed on March 8, 2000. *Ogawa*, however, has PCT publication date of December 28, 2000, which is after the foreign priority date of the present invention. Therefore, it is respectfully submitted that the Examiner is incorrect in rejecting Claims 37, 39, 41, and 43 as being unpatentable over *Kuwahara* in view of *Ogawa*, as *Ogawa* is not prior art. A verified translation of Korean Application No. 11617-2000 is filed herewith, as is required under 37 CFR 1.55.

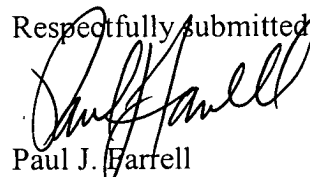
Regarding the rejections of independent Claims 36, 38, 40, and 42 were rejected as allegedly being anticipated by *Kuwahara*, the Examiner asserts that *Kuwahara* teaches all the elements of Claims 36, 38, 40 and 42. However, each of these claims recites using forward fading information signals. Further, these claims were amended to recite the apparatus and method elements of the forward fading information extraction unit of allowed Claim 6. Accordingly, it is respectfully submitted that Claims 36, 38, 40, and 42 are patentably distinct from *Kuwahara*. In particular, *Kuwahara* fails to disclose extracting forward fading information in a reverse signal and controlling a forward power using the reverse signal. Based on at least the foregoing, withdrawal of

the rejections of Claims 36, 40 and 42 is respectfully requested.

Independent Claims 6, and 33-43 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 9-24, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 9-24 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 6, 9 and 33-43, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Paul J. Farrell  
Reg. No. 33,494  
Attorney for Applicant(s)

DILWORTH & BARRESE, LLP  
333 Earle Ovington Blvd.  
Uniondale, New York 11553  
Tel: (516) 228-8484  
Fax: (516) 228-8516

PJF/MJM/dr